

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

Surely the Lord God will do nothing, but he revealeth his secret unto his servants the Prophets... The Lord God has spoken, who can but prophesy?"—AMOS.

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Saturday, May 30, 1863.

Price One Penny.

COURT PROCEEDINGS IN UTAH TERRITORY.

PRESENTMENT OF THE GRAND JURY OF THE THIRD JUDICIAL DISTRICT, AND
CLOSING ADDRESS OF THE HON. CHIEF JUSTICE J. F. KINNEY.

(From the Deseret News.)

To the Honorable United States District Court for the Third Judicial District of Utah Territory, now in session at Great Salt Lake City:—

We, the United States Grand Jurors for the said Third Judicial District, in the discharge of a duty due the Court and community, and in accordance with a time-honored custom, when anything notoriously offensive or deleterious to the health of the people, or that is obnoxious and revolting in its character, exists, to make presentment thereof to the Court, beg leave to make this statement of facts, and ask that it may be spread upon the records of the Court.

We desire to state, that before the commencement of the nuisance herein-after complained of, there was and still is an ancient watercourse or stream, commonly called Red Butte creek, flowing from the mountains east of Great Salt Lake City, county of Great Salt Lake, the waters of which, either in the original channel of said stream, or in artificial channels, canals, sects, or ditches constructed for that purpose, were and are conducted into Great

Salt Lake City aforesaid, for the use of the inhabitants thereof, to wit: for the use and benefit of the people residing in the fourth and first municipal wards of said city, some three thousand of whom did and do use the said water, and were and are entirely dependent upon it, not only for irrigating, but for drinking and culinary purposes.

That, on or about the 20th day of October, A.D. 1862, there was established, on or near said watercourse or watercourses, in the suburbs of Great Salt Lake City and within the limits of the said corporation, a military encampment called Camp Douglas, where have since been stationed a large body of troops commonly known as "California Volunteers," who have, since the establishment of said military encampment as aforesaid, erected stables, yards, corrals or inclosures for their animals, on or near said watercourses; have diverted the water, or part thereof, from its former channels, and caused it to run through the yards thus built for their stock, and from thence into another watercourse leading into said city; have placed obstructions in the stream; have built privies on or close

to one of said streams of water, and in divers other ways have the said troops and those following them or attached to their encampment, who are also located on said creek, fouled the water thereof, and rendered it extremely filthy and nauseous, to the great inconvenience of the people of the said city, and deleterious to their health, to wit: of the three thousand persons who use said water for the purposes herein-before set forth.

That the amount of water in said creek or streams thus running into Great Salt Lake City as aforesaid, by the diversion of a portion thereof from its regular channels, and the use made thereof by the said military encampment has been, and will be, so long as the said troops shall remain at Camp Douglas, particularly in the summer season, when needed for irrigating purposes, materially lessened, from which great loss and damage will inevitably accrue to the citizens aforesaid, who were and are entirely and solely dependent thereon for the watering of their lands, orchards and gardens, and without which they would be unproductive, and soon become, as formerly, a barren, desolate waste.

So the jurors aforesaid, upon their oaths, do say that said stream of water, in manner and by the means as aforesaid, has been and is rendered corrupt and unwholesome, and is made unfit for drinking and culinary purposes as aforesaid, and lessening the amount of said water used for the purposes as aforesaid, to the great injury and common nuisance of all the persons aforesaid, against the peace and dignity of the commonwealth of the United States.

George A. Smith,
Franklin D. Richards,
Elias Smith,
William S. Muir,
Samuel F. Atwood,
Phillip Margetts,
John Rowberry,
Clausius Victor Spencer,
Charles J. Thomas,
John W. Myers,
Alfred Cordon,
George W. Ward,
Horace Gibbs,
Lewis A. West,
Leonard G. Rice,

Isaac Brockbank,
George W. Bryan,
James Bond,
John B. Kelly,
Gustavus Williams,
Wells Smith,
John D. T. McAllister,
Andrew Cunningham.

To the Honorable United States District Court for the Third Judicial District of Utah Territory, now in Session at Great Salt Lake City:—

We, the United States Grand Jury for said district, in discharge of that which we consider a duty to the Court and community, and in accordance with a common custom with Grand Juries after concluding their labors, if there exists anything in the district *prominently offensive*, to call the attention of the Court and the people to the fact by solemn presentment, beg leave to tender this statement, and ask that it be spread upon the records of the Court.

We desire to state in advance, that we have not resolved to make this statement inconsiderately, or arranged the facts incautiously, but upon mature deliberation, and fully appreciate the responsibility which rests upon us as Grand Jurors under oath, and pledge ourselves to the entire truth of the facts herein stated.

As preliminary to what we desire to say, we lay it down as a political axiom, that the existence and perpetuity of a Republican Government depends upon the equilibrium and harmony with which the three branches, legislative, judicial and executive, are maintained and kept in subordination to each other, so that neither may encroach improperly upon the other. Interference, as upon private rights of individuals, becomes oppressive, the department interfered with is jostled out of its true balance, the harmony of the entire system is destroyed, confidence is lost, confusion and anarchy ensue, protection to life, liberty and property, the object of all enlightened Governments, becomes a mere rope of sand.

To the legislative branch is confined the law-making power, to the judicial the exposition, administration and enforcement of the law, and to the execu-

tive the execution or supremacy of the law thus enacted and administered.

The veto power usually conferred upon the Governor or Executive is a high prerogative, and never was intended should be exercised except in case of unconstitutional or hasty and imprudent legislation. It is a dangerous power when placed in the hands of a wicked, corrupt, or even imprudent man. The presumption of law is, (though a very violent one when applied to the present Executive in Utah) that this power will only be resorted to in extreme cases, and never for the purpose of gratifying caprice, folly, or the *ambition of inflated pride*. In all constitutional and wholesome legislation, it is the imperative duty of the Governor to give his sanction to the laws passed. When he refuses to do this, and especially when such sanction is necessary to the validity of the laws, as in the case under the Organic Act of Utah, and when he assigns no reasons for withholding his signature, but with unmanly stealth pockets the acts of solemn and vital legislation, he becomes a mere tyrant, an enemy to civil government, degrades his high position, and is unworthy the toleration of a free and enlightened people.

Stephen S. Harding, the present Governor of Utah, arrived in this city in July last, and at once assumed the authority of the Executive department of the Territorial Government. He came with honeyed words upon his lips, smiles upon his countenance, but with hypocrisy and guile in his heart. He professed sympathy for the people in their struggle to establish a colony midway between the two great oceans. He expressed, publicly and privately, his surprise and satisfaction for their success, and pledged himself to co-operate with them in promoting their continued prosperity. On more than one occasion he reiterated the asseveration that, when he became satisfied that his administration was distasteful to the people, he would retire from the gubernatorial chair.

In his speech in the Bowery, on the 24th of July last, before a vast concourse of people, he said,—"If I know my own heart, I come amongst you a messenger of peace and good-will. I have no wrongs, either real or imagi-

nary, to complain of, and no religious prejudices to overcome."

After speaking in unqualified terms of the constitutional right of the people to incorporate any creed in their religious faith they saw proper, as also in strains of eulogy for the wonderful progress they had made in civilization, improvement and material prosperity, he adds,—"Honestly conform to the standard of your creed and faith, and though you may for a time be cast down, you cannot be destroyed, for the power of the Eternal One will be in your midst, though no mortal eye may behold the pillar of cloud and of fire. As the Great Master of sculpture gathered and combined all the perfections of the human face into one divine model, so you, in that one grand article, have bound into one golden sheaf all the Christian virtues that underlie our civilization. But this must suffice. I, perhaps, have said more than I ought to have said, and yet I could not have said less. If my words shall be as kindly received by you as they have been honestly and frankly uttered by me, and we will act accordingly, my mission amongst you cannot fail of being alike profitable to you and the Government I represent."—See printed copy of speech in the *Deseret News* of July 30th, 1862.

Such were the professions and sentiments of the Governor on the 24th of July last; such the language used in the presence of the people, and such were his commendations of their religious faith, plurality and all; but what have been his course and conduct?

With his private character we have nothing to do. We would not raise the veil, nor have we disposition to expose human depravity or infirmity. We would rather screen from the public gaze the consequence of unbridled passions, especially when exhibited by a man who ought to be the model of human excellence and virtue; but his public acts and records are legitimate subjects for exposition.

On the 10th day of December, 1862, the Governor delivered his first Message to the Legislative Assembly. The entire document, comprising many passages, was an unprovoked insult to that body—insinuating, as the Governor did, in unmanly language, the disloyalty of the Legislature and peo-

ple. The religious faith of the people, a few months before so eloquently extolled and seemingly adopted, is now held up to scorn, bitter sarcasm and ridicule. The constitutional right of their worship is questioned, and their conscientious adoption of it contemptibly compared to heathen and pagan customs.

But not to dwell—the Governor says in conclusion,—“I desire to assure you, gentlemen, that nothing in my power shall be wanting to demonstrate my warmest regard for the interest and welfare of the people of the Territory. They deserve much at the hands of the Federal Government for their persevering industry, and so far as my humble efforts may contribute to that end, they shall never be wanting. No matter what differences of opinion may exist between us on many subjects, I will endeavor to convince you of my sincerity by the uprightness of my conduct, and shall always be satisfied with the discharge of my official duties, when I know they stand approved by the general voice of the people.”

In this extract there are two prominent points. First, a pledge to co-operate as Governor with the Legislature in all that promises prosperity to the people; and second, an earnest desire for the approval of the people in the discharge of official duties.

How has the pledge been redeemed? Nothing contributes more to the prosperity of any community, State or Territory, than the enactment of good and wholesome laws, without which there is no security to life, liberty or property.

Has the Governor aided in this important work? No act passed by the Legislature can become a law without his signature. Has he affixed it to those acts imperiously demanded by the wants of the people, and against which there could not have been urged the slightest objection? Let the record speak.

The Legislature were in Session forty days, and passed some important general acts that were much needed; among them were,—

An act authorizing the issuing of executions against judgment, debtors, &c.

An act changing the times of holding the Supreme and District Courts.

An act prescribing the time of completing the Assessments.

An act in relation to Territorial and county taxes.

Resolutions relating to the publishing and distribution of the laws and journals of the Twelfth Annual Session.

These acts and many others, including the Territorial Appropriation Bill were snugly stowed away in the capacious pocket of the Governor, without his Excellency even deigning to descend from the lofty pinnacle of executive dignity to communicate the reasons to the Legislature why he withheld his “royal sanction.” They were not unconstitutional. No one can pretend this. They were not hastily or imprudently passed. They were demanded by the people. The Governor stood pledged to co-operate with the Legislature in promoting the general prosperity, as the Executive branch, in the enactment of wholesome and proper laws; still, strange to say, the labor and expense of nearly the entire Session were lost, twenty thousand dollars of the public money wasted, and the people cheated and deprived of merited legislation by the obstinate refusal of the Executive to award his signature.

Only three comparatively unimportant acts, two resolutions and one memorial, are all that can be found among the archives, with his approval *to perpetuate his memory.*

One is an act for the regulation of the telegraph; another assigning the two Associate Judges to their districts; another changing the county seat of Washington county; two resolutions adjourning and convening the Legislative Assembly, and a memorial to Congress. These were the only ones that received “executive clemency.”

In place of that harmony which should exist between the Legislative and Executive branches of Government, congenial in their intentions and action to promote the general welfare as they should ever be, we here find the Executive thwarting legislation, destitute even of the usual courtesy of returning the bills with the reasons for withholding his signature.

But we will dismiss this part of our presentment without further comment.

and pass to another power conferred upon the Governor by the Organic Act, which he has exercised with a wanton recklessness unprecedented in Executive history. We refer to the *pardon* power. This, like the veto power, is also a high prerogative—a dangerous one in the hands of a bad man; and if corruptly, or even imprudently exercised, it is subversive of the ends of civil Government.

In America the Judiciary has ever been regarded the purest branch of the Government, as it is the most important and responsible. To this branch is confided the dearest rights of the citizen, *his life, liberty and property*. It is only by enforcing the law, maintaining the authority of the Court, and meting out merited punishment to the guilty who violate the law, that security and protection are afforded. The solemn and deliberate judgment of a Judicial Tribunal is entitled to great consideration, and a wise, honest man, will seldom interfere by the exercise of executive clemency, tending, as it does, to abrogate and defy this the most useful branch of the Government.

When the power is exercised, it is only after the convict has suffered a part of his punishment, and not then, unless the punishment is excessive, or the prisoner has exhibited such contrition and penitence as give evidence of reformation. In no case, as a general rule, will the Executive feel authorized to interpose his clemency without a petition signed by most or all of the jury, prosecuting attorney and judge, as they are supposed to be familiar with the facts and the aggravated or extenuating circumstances of the crime. But the wholesale pardon of some seventy-five men from the punishment of the law by his Excellency a few days since, before those sentenced to the Penitentiary had time to become familiar with even the walls of their abiding-place, was not based upon any such petition, as not a juror or officer of the Court signed the same.

We trust the Court will pardon the Grand Jury for briefly referring to the facts connected with the arrest and trial of the men the Governor has seen proper, in such hot haste, to pardon and turn loose upon the community.

They are as follows:—On the 22nd

day of May, A. D. 1862, a petition was filed before Hon. John F. Kinney, the Judge of the Third Judicial District, for a writ of *habeas corpus*, alleging that three men were unlawfully imprisoned at South Weber, in Davis county, and kept in close confinement, heavily ironed, without any process or authority of law. It may be well to state, that at the place mentioned in the petition, a body of some two hundred men, with their families, had congregated in what is known as Kington Fort, and for more than a year had remained without cultivating the soil or following any industrial pursuit. What little property they had was owned in common, and this from time to time was disposed of to procure the bare necessities of life.

At this place and by these men were the prisoners confined, mentioned in the petition for the writ of *habeas corpus*. The writ was issued and served upon those who had the prisoners in custody, on the 24th day of May. No attention was paid to it by the defendants. The authority of the Court was openly contemned and placed at defiance. Judge Kinney, after waiting for the defendants to produce the prisoners from the 24th day of May till the 11th day of June (some eighteen days), issued upon another affidavit a writ for false imprisonment, another writ of *habeas corpus*, and a writ for contempt for disobedience to the first writ. These writs were placed in the hands of the Territorial Marshal, who being well advised that armed resistance would be made to the service of any process in said Fort, called upon Acting Governor Fuller, who furnished the officer with a military *posse* to enable him to execute the mandates of the Court. On the morning of the 13th day of June, the Marshal with his *posse* arrived near the Fort, and sent the following proclamation under a flag, which was received and read by Banks and others, the parties named in said writs, and to whom said proclamation was directed.

“Headquarters, Marshal's Posse, }
Weber River, June 13th, 1862. }

To Joseph Morris, John Banks, Richard Cook, John Parsons and Peter Klemgard.

Whereas you have heretofore disre-

garded and defied the judicial officers and laws of the Territory of Utah; and whereas certain writs have been issued for you from the Third Judicial District Court of said Territory, and a sufficient force furnished by the Executive of the same to enforce the law; this is therefore to notify you to peaceably and quietly surrender yourselves and the prisoners in your custody forthwith.

An answer is required in thirty minutes after the receipt of this document; if not, forcible measures will be taken for your arrest.

Should you disregard this proposition and place your lives in jeopardy, you are hereby required to remove your women and children; and all persons peaceably disposed are hereby notified to forthwith leave your encampment, and are informed by this proclamation that they can find protection with this *posse*.

H. W. LAWRENCE, Territorial Marshal.
pr. R. T. BURTON and
THEODORE MCKEAN, Deputies."

This was unheeded and disregarded. Additional time was given after the expiration of the thirty minutes for the delivery of the persons called for by the writ, still no attention was paid to the demands of the officer. At length fire was opened, and for three days, almost continuously, did the belligerents within the fort keep up a fire on the Marshal and his *posse*, killing on the first day a man by the name of Jared Smith, and on the third day another man attached to the Marshal's *posse*. On the evening of the 15th the rebellion was subdued by the surrender of the men and one hundred stand of arms. Parties on both sides had been killed in consequence of the defiant position taken against the enforcement of the law, and in defending the position thus unlawfully assumed by more than one hundred well-armed men.

The disloyal men thus found in arms, fighting against the service of process, were taken prisoners, brought before Judge Kinney in chambers, who admitted all but two to bail for their appearance at the next March term of Court—said two being committed to await their trial for murder. At the recent sitting of the Territorial Court, Judge Kinney presiding, some ninety or more were indicted under the statute for resisting the officer, and ten of the principal men for the murder of Jared Smith, who was shot dead on the first

day of the resistance." Sixty-six appeared and were tried for resisting the officer, the others having left the country. After a long, patient and entirely satisfactory trial to the defendants, the jury assessed a fine of one hundred dollars against each of them—the lowest sum allowed by the statute, and when the law authorized them to fine not exceeding one thousand dollars and imprison not exceeding one year. The least punishment allowed by the statute was meted out to the prisoners, and that, too, when the testimony of their guilt was overwhelming. Of the ten indicted for murder, one was *nolled*, two acquitted, and seven convicted of murder in the second degree. The punishment for murder in the second degree is imprisonment not less than ten years, and may be during natural life; still the jury, actuated by feelings of humanity and mercy, affixed the punishment of five of the prisoners to imprisonment for the period of ten years each, one for twelve and one for fifteen years.

Such are briefly the facts of a formidable armed resistance of a body of men against the authority of the law, their trial, conviction and sentence.

We will be excused for remarking that the very existence of our Government depends upon the maintenance of its authority. This ever surrendered, or if it becomes powerless, all the departments are weakened—totter and crumble into decay. To maintain and uphold this vital principle, the Federal Government has "sounded to arms," and blood and treasure have been offered as a willing oblation. Treason and rebellion may be exhibited in Territories as well as States. Both were manifested by the armed resistance in Davis county to the supremacy of the law—small in comparison to the gigantic proportions of the Southern rebellion, but, at the same time, the principle involved is the same; and when such rebellion is subdued, punishment by the Court is but retributive justice; but the Governor, clothed with the *pardoning power*, interposes to prevent the punishment due to rebels against the law. He sanctions and sustains their rebellion and, by pardoning them, proclaims to the world that they have acted rightly, wisely and lawfully. No time

is allowed for investigation, none for repentance or reformation; but in less than three days from the time of the sentence of the Court, are all of them pardoned by the Executive, to renew their armed resistance against the power of the Government—a pardon which not only seeks to release them from fine and punishment, but the costs due to the officers and witnesses. Of what avail are Courts when their most solemn and deliberate judgments can be thus summarily ignored and set aside? Punishment becomes a mockery, the door is thrown wide open for crime, convicts have only to appeal to Executive clemency, and security to life, liberty and property exists but in name.

Therefore, we, the United States Grand Jury for the Third Judicial District for the Territory of Utah, present his "Excellency" Stephen S. Harding, Governor of Utah, as we would an unsafe bridge over a dangerous stream, jeopardizing the lives of all who pass over it, or, as we would a pestiferous cesspool in our district, breeding disease and death.

Believing him to be an officer dangerous to the peace and prosperity of this Territory; refusing, as he has, his assent to wholesome and needed legislation; treating nearly all the Legislative acts with contumely; and, last of all, as the crowning triumph of his inglorious career, turning loose upon the community a large number of convicted criminals:

We cannot do less than present his Excellency as not only a dangerous man, but also as one unworthy the confidence and respect of a free and enlightened people.

All of which is respectfully submitted.

George A. Smith,
Franklin D. Richards,
Elias Smith,
William S. Muir,
Samuel F. Atwood,
Philip Margetts,
John Rowberry,
Claudius V. Spencer,
Charles J. Thomas,
John W. Myers,
Alfred Cordon,
George W. Ward,
Horace Gibbs,
Lewis A. West,
Leonard G. Rice,
Isaac Brockbank,

George W. Bryan,
James Bond,
John B. Kelly,
Gustavus Williams,
Wells Smith,
John D. T. McAllister,
Andrew Cunningham.

His Honor directed that, in accordance with the request, they be spread upon the records of the Court.

The foreman of the Grand Jury then stated that they had concluded their labors and had no further business before them, whereupon the Judge addressed them as follows:—

Gentlemen of the Grand Jury:

The paper just read by the clerk is one of great responsibility, presenting the Governor of this Territory as unworthy the confidence and respect of the people.

I trust you have fully considered the importance of the step which you, as a Grand Jury, have felt called upon under the oath of your office to take.

I am well persuaded that in no spirit of malice or undue prejudice have you been induced to call the attention of the Court and people to what you regard as the official misconduct of the Executive, but only as the deliberate result of your investigations for the public good.

I am perfectly familiar with the facts referred to by you in relation to the armed resistance to the law in the service of process. Upon affidavit made before me were the writs issued, the service of which was attempted to be resisted by an armed rebellion.

The trial of men thus found in arms very recently took place in the Court over which I have the honor to preside, and the trial, as you state, was conducted with deliberation, and the verdict of the jury in each of the cases for resisting the officers and for murder were such as met with the approval of the Court.

The law and its authority were fully vindicated by the verdicts, but, as you state, the Governor has granted an unconditional pardon.

What effect this may have upon the minds of evil disposed persons I know not, but leave the responsibility where it belongs, with the Governor, who, in the exercise of a naked power, has seen proper to grant executive clemency.

You have now, as you state, concluded

your labors, and, before discharging you, I desire to tender to you the commendations of the Court for your attention and diligence in the discharge of your duties.

Your labors have resulted in the presentation of a number of indictments for crime—some of the prisoners charged by you having been tried and convicted, and others are awaiting their trial.

It is only by a Grand Jury discharging their duty faithfully and fearlessly that crime can be suppressed and offenders punished, for all persons must pass the ordeal of your body before they can be introduced by the Government into this Court for trial and punishment.

It is possible, and highly probable, that this is the last Court over which I shall have the honor to preside in your Territory. Such are the indications. I have been the Chief-Justice of the Supreme Court of Utah and Judge of this district most of the time since 1854, having come among you a stranger, but I was treated with kindness and my authority with consideration and respect.

Appointed by Mr. Pierce in 1853 and reappointed in 1860 by Mr. Buchanan and continued in office by Mr. Lincoln, and having held many courts, tried many cases, both civil and criminal, of an important character, I am happy in being able to state that I have found no difficulty in Utah in administering the law, except where its administration has been thwarted by executive interference.

Let honesty, impartiality and ability be the characteristic qualifications of

the Judge, and a fearless discharge of duty, and he will be as much respected in this Territory and his decisions as much honored as in any State or Territory in the Union. And to use an odious distinction attempted to be made between "Mormon" and "Gentile," I am also happy in being able to state, that while these parties, differing so widely as they do in their religious faith, have been suitors in my Court, the so-called Gentile has obtained justice from the verdict of a so-called "Mormon" jury.

I repeat, gentlemen, that the law is and can be maintained in this Territory, and that there is more vigilance here in arresting and bringing criminals to trial and punishment than in any country where I have ever resided.

In the discharge of my judicial duties I have endeavored to be actuated by a sense of the responsibility of my position; ever keeping constantly in mind that I was among a civilized and enlightened people, who were entitled to the same consideration from the Court as the people of any other Territory, and that the Court here, as elsewhere, should be free from bias and prejudice.

Gentlemen, accept my thanks for your co-operation in support of my efforts to maintain and enforce the law.

To the Petit Jurors I will say that I have been well sustained by them in the trial of causes, and can only hope that when I retire from the bench my successor will be an able, honest Judge, and have no more difficulty in discharging his duties than I have had.

With these remarks, gentlemen, I dismiss you from further attendance upon the Court.

THE LATTER-DAY SAINTS' MILLENNIAL STAR.

SATURDAY, MAY 30, 1863.

OUR LEADERS—THEIR INFLUENCE AND ITS CAUSES.

It is a fact well proven, and generally understood, that the leading men of our Church possess an influence so great as to astonish political men who have made the study of civil polity the object of their lives. There are none bold enough

to question the reality and tangibility of the influence wielded by our leaders; and even those who regard us with enmity must admire the self-denial and heroism of the whole, of which each individual gives his strength to swell the mighty power of the master-mind who guides our destiny under God. But the question arises, Why should this people thus concentrate their energies? Because they are convinced that the God of heaven has a work to do on the earth; that that work affects the sentiments, thoughts and purposes of the hearts of the children of men, and such being the case, it becomes necessary that our Father and God should make use of his children on the earth to produce this radical change in the feelings of mankind; and greater still, the blessed conviction that we are the people who are called of God to begin and accomplish this necessary, this important, this glorious mission—the regeneration of our race and, in the language of Holy Writ, “The restitution of all things spoken of by the mouths of all the holy Prophets since the world began.”

The Latter-day Saints need not to be told that to bring about such a mighty task as that which has been given them, a thorough, efficient and responsible organization is an absolute necessity; and if they love their cause, what wonder that they love and sustain their organization, especially when they can plainly see that the men who compose the same are under the immediate favor and protection of Heaven. But the world objects to the bare idea of inspiration from heaven, as though God had no right to choose fitting men to represent him on the earth, and, having chosen them, to sustain them and bear them off victorious. Now, we claim that the fact of our leaders being able men is an evidence of the Divine wisdom as manifested in thus choosing those who possess, or can at least attain to the heavenly attributes of justice, truth and mercy. Do not our leaders possess these attributes? What is it that makes man love his fellow-man on earth? Is it not the possession of these sacred principles, which may be regarded as gifts of God to favored ones? We think so. Again, the world seek to hide their discomfiture by crying loud and long that our devotion to our first Elders is the result of compulsion, produced by a system of terrorism which they are said to practice. Such wretched grounds, supported by such contemptible sophistry, need only be mentioned to be despised and at once dismissed to the shades of eternal oblivion.

We have stated and do still assert, that it is worth, sterling worth which binds man's heart to man; no other foundation, no other tie can be depended upon. It is a matter of history, and is before the world if they will but understand it, that the death of none since the days of Jesus has been so deeply and so universally lamented by their people as was that of the martyrs Joseph and Hyrum Smith; but had these men ruled their people by a rod of tyranny, their death would have been hailed as a deliverance from the bondage of oppression. With these facts before them, our opponents are driven to the wretched, the oft-told and exceedingly threadbare excuse, that we are all deceived in our leaders, and that they are endowed with powers of double dealing which might lead away an angel of light and turn him from his better judgment. Our opponents would even insinuate that our best men are assisted in a course of deception by the powers of darkness, but that they dare not venture upon the supernatural for fear the people would take the shorter road and come to know that heaven, not hell, supports our cause and leads us on to greatness.

While the nations are falling the Saints are rising; while the cry of the blood of innocence is being appeased, the Saints, by the providence of God, are pre-

served in peace; and as the mists of futurity are gradually lifting up, we clearly see the growing excellence of our Zion eclipsing the time-worn and corruptible systems of men, and the prayer rises involuntarily to our lips, "Spare us on the earth, thou gracious God, to behold thy Zion the joy of the whole earth." Still we know that man is fallible, and we have an Apostle's testimony that although the spirit may be willing yet the flesh is weak; but, notwithstanding all these drawbacks, our conviction remains unchanged, strengthened as it is by the words of good men and the revelations of holy Prophets, that *this* time neither the hosts of earth nor hell shall have power to thwart the purposes of the Almighty. The slavery of tradition and the thralldom of ignorant superstition shall yield their sway before the increasing light of truth, for our leaders, under God, shall establish his government and give the people an immunity from the evils of man-made systems, organized by men who impiously deny the right of God to govern his children through his representatives on the earth.

DEPARTURE.—The fine packet-ship *Antarctic*, Captain Geo. C. Stouffer, sailed from this port on the 23rd inst., with 486 souls of the Saints on board. They were composed of people from thirteen different countries—namely, England, Scotland, Ireland, Wales, America, France, Holland, Switzerland, Germany, Italy, Denmark, Norway and Sweden. President Cannon, with Elders Jesse N. Smith, President of the Scandinavian Mission, and John L. Smith, President of the Swiss and Italian Mission, accompanied by several other Elders, visited the Saints on board on the afternoon of the 22nd, held a meeting and organized the company. Elder John Needham was appointed to preside, with Elders Philip De la Mare and S. H. B. Smith as his first and second counsellors. Elders Carl and Ferdinand Dorius were appointed to take charge of the Scandinavian Saints, and Elder John Huber of the Swiss and Italian, under the direction of President Needham. The Saints were then addressed by President Cannon in English, by President J. L. Smith in German, and by President Jesse N. Smith in Danish. Much valuable and cheering instruction and counsel were given, which, judging from the lively countenances and deep interest manifested on the part of the Saints was much appreciated by them. Several Elders who have been laboring faithfully and zealously in various parts of the European Mission took their departure for Zion on this vessel, rejoicing in the privilege before them of sharing the blessings enjoyed by the body of the Church. They have with them the blessing of the Lord, the confidence of his servants, and the affection and prayers of the Saints among whom they have labored. The following are returning to their homes and families in Zion—namely, Elder Needham, the President of the company, who arrived in this country from Zion Dec. 21st, 1860, and who, though not in the enjoyment of very good health, has labored faithfully since, in the South of England, presiding over the Kent Conference during the greater part of the time; Elder De la Mare, who arrived August 3rd, 1860, and has been presiding over the Channel Islands Conference; Elder S. H. B. Smith, who reached on the 27th of July of the same year, and has been presiding most of the time since over the Bradford Conference; Elder C. H. Rhees, who arrived on the 21st of September following, and has been laboring in the Bristol Conference; Elder John Marett, who reached on the 9th September, 1862, and has since labored, as his health would permit, in the Channel Islands Conference; and Elders C. C. N. and John F. Dorius, who reached this port on the 26th of

August, 1862, on a mission to Scandinavia. The labors of these two last-named brethren have been principally confined to Norway, where they have endured much persecution and have been instrumental in extending a knowledge of the Gospel among the natives of that country. Elders Thomas Yates, who has been laboring in the Bristol Conference, Robert Wilson, who has been travelling in the Liverpool Conference, and John Huber, from the Swiss and Italian Mission, are emigrating with this company, and feel thankful to God for the privilege of gathering with the Saints, to be placed in a sphere where their usefulness can be more widely employed.

Towards the close of the meeting President Cannon bestowed a parting blessing upon the ship and company, which we pray they may realize, and that they may be preserved to reach the Valleys of the Mountains in safety. May the angels of God go with them and his Spirit inspire them to works of righteousness, that they may be preserved from every danger and be instrumental in extending the cause of truth and the kingdom of our God on the earth.

NOTICE.—All letters containing orders for books, changes of names and addresses of Book Agents, or any business relating to the Book Department, must hereafter be written *separately* from letters on any other business, and should be marked *Book Business*. Presidents of Conferences, and Book Agents, will please pay particular attention to this matter.

NEWS FROM HOME.

We are happy to learn from the *Deseret News* of April 15th that the arrangements for the establishment of the Seventies' Reading-room had been completed, and that it was thrown open to the public on Mondays and Thursdays of each week between the hours of three and seven o'clock p.m.

A heavy snow storm had been experienced on the 9th of April, which, as had been feared, was succeeded by a severe frost, which did much damage to fruit trees in low and exposed locations, but orchards on bench or uplands were not materially injured.

The Theatre closed for the season on Saturday, the 12th of April.

Another fight had occurred between a small party of soldiers and a similar one of Indians, near Spanish Fork, on the afternoon of Sunday, the 5th of April, which resulted in the wounding of two Indians and the capture by them of all the Government mules at that place, although the animals were in a corral which was commanded by a howitzer as well as by the rifles of the troops.

A very interesting Conference was held at St. George, Washington County, on Saturday and Sunday, March 21st and 22nd, Elder Erastus Snow presiding. Many of the Bishops and Presiding Elders and Saints were present from the neighboring settlements, much good instruction was given pertaining to both temporal and spiritual matters, and all were benefited and blessed by coming together in a Conference capacity.

Increasing attention is being paid to the cultivation of fruit and flowers, which we are glad to see, as we feel deeply interested in any labors that tend to beautify the earth and increase the comfort and happiness of its inhabitants, and we do not know of anything that tends more to elevate and refine the mind than the chaste embellishment of our homes and their surroundings by the simple means which nature places at our disposal.

CORRESPONDENCE.

ENGLAND.

BRISTOL CONFERENCE.

Bristol, May 2, 1863.

President George Q. Cannon.

Dear Brother,—We are having quite exciting times in this city at present, and the spirit of persecution is rife. It reminds me of old times in the history of "Mormonism" in this and other countries, and, I doubt not, will, in this as in all former instances, result in good, contrary to the wishes and expectations of the Adversary and his coadjutants. The mobs, and the noise they make outside our meetings, are almost fiendish; but as yet we have not suffered any damage, for the Lord has preserved us and his blessing is with us, and by pursuing a quiet and respectful course we have maintained our influence and gained respect from some portion of the thinking and well-behaved citizens.

It is my constant desire and prayer to have wisdom given me to enable me faithfully to discharge the duties of each day; and I assure you I need it to perform the duties of this scattered District with so little help as I have, and particularly as it is necessary for us to manifest so much prudence and forbearance in order to hold our meetings with any degree of peace and satisfaction. I assure you, the opposition we have to contend with often drives me to God to pray for help, when, perhaps, I should not otherwise go. One thing is sure, and that is, the inhabitants of Bristol and Bath will never be able to say in a day to come that they never heard of the "Mormons." I am, indeed, glad that our enemies have been unable to prove anything against my religious or moral conduct or that of the Elders with whom I am associated; that is a source of strength and encouragement to me, and I feel it to be a great blessing to live above reproach even from our enemies; but I feel the praise belongs to God and not to us, for *he* has kept us and not ourselves alone. My health is good and my spirit and feelings never better as regards the Work of God and my duties. The recent

sudden death of my dear father has, however, been a sore trial to me, but the bright hopes the Gospel brings have been my comfort. I trust you and your dear family are all well. I hope to see you when the last ship sails for this season.

With the Saints and Priesthood throughout the District all is peace, and they manifest a great desire for improvement and also to gather. But what a different feeling is manifested by some people when there is no prospect of their being able to emigrate, to what they express when the Lord and their friends have opened the way for them to do so. "O," say many, "if we could but get the means to go, we would not mind if we had nothing but bread and water all the way; and if we could get one change of clothes so as to keep us clean we would be satisfied: if it were not for the sea, we would start and walk all the way, and barefoot at that if we could not get shoes." But the feelings greatly change in some when the way is opened for them to go, for instead of going barefooted, they must have two or three pairs of boots; and instead of being contented with but one change of raiment, they must have two or three suits of rough clothes to wear on the way, so as to keep their best till they get through; and thus they would keep getting till their luggage would fill a wagon. If you remonstrate with or advise such persons, they think you are their enemies instead of their friends, and perhaps refer you to some letter that some unwise or unthinking person has sent back, advising them to bring everything they can get, from a feather bed to an iron pot, and if they can manage it, to please bring out a quantity of linen and groceries. O, when will the avaricious heart and greedy eye be satisfied and contented. I am, indeed, pleased to read the instructions which President Young, yourself and others have given upon the subject, and also your last bit in *Star* No. 18, called "Timely Notice;" it just comes to back up our instructions on these points.

May God bless you, brother Cannon.

in this your busy emigration time, and give you wisdom for every duty and strength for every labor, is my prayer and the prayer of the faithful in this district. I also crave an interest in your prayers that I may have wisdom and power to do every duty required at my hands, to escape every net of the wicked laid for my feet, to do a good work and to return home with honor to myself and my friends, with the confidence of my brethren and the approbation and blessing of the Lord. A line from you, whenever you can find time, is a source of great strength and comfort to me.

With unbounded confidence, I remain your fellow laborer in Christ,

GEORGE HALLIDAY.

SCOTLAND.

GLASGOW CONFERENCE.

Glasgow, May 17, 1863.

President George Q. Cannon.

Dear Brother,—I write to inform you that all things are properly arranged in the Scottish District, so far as I know, and I am happy to say that the appointments are satisfactory to all concerned.

President Peacock assumes my place with the right spirit, and I feel assured he will continue the good Work in Scotland to his entire satisfaction. Elder James C. Brown is installed in his place as President of the Edinburgh Conference; I pray God to bless him with wisdom to fill honorably the responsible position whereunto he is called.

I bore my testimony last Sabbath (the 10th instant) in the city of Edinburgh, perhaps for the last time in that place, where many a faithful testimony has been borne since the year 1840, when Elder Orson Pratt first introduced the Gospel of Christ to the inhabitants of Edinburgh. The people of Scotland have been faithfully warned from that time until the present. I feel clear of their blood and of that of all men, and testify that I know the Church of Jesus Christ of Latter-day Saints to be the kingdom of God, now established no more to be thrown down, and that it will grow and increase in power until the knowledge of God shall fill the whole earth. The Gentiles may rail against us and set their hosts in

battle array, but we fear them not, for we have the truth and God on our side, and if we prove faithful he will bear us off victorious and turn the swords of our enemies against themselves, until they are utterly wasted away and Zion is redeemed and Jesus comes to be crowned among his Saints, whose right it is to reign.

Elder Matthew M'One is pleased with his appointment to preside over the Dundee Conference. The Saints under his watch-care believe him to be the right man in the right place, and I have no doubt they will sustain him. He is on the watch-tower and alive to his duty, and the Saints will do well to listen to his counsels and follow his good example.

We held a Conference in Glasgow on the 25th of April, and set apart brother William Gordon to preside over the Glasgow Conference, according to your appointment, in place of Elder Robert Sands, who is honorably released to go home to Zion.

Brother John Crawford was appointed and set apart, at the same time, to preside over the Glasgow Branch, in place of brother Robert Patrick, whose way has been opened, through the blessing of God, to go home to Zion. He leaves with our approval, and, like Elder Sands, has won for himself the reward of well-doing.

I leave Scotland with but one regret, and that is that I cannot take all the faithful with me; but I leave with them my example, which, if they follow, will lead them to where I am, in favor with God and in fellowship with my brethren. I have had joy and satisfaction on my mission in this country, and through the blessing of God and the united efforts of my brethren our labors have been crowned with success. We have baptized about two hundred during the past year, and we are emigrating about three hundred souls this season. There never was a better prospect for good to be done in Scotland; the Presiding Priesthood and Travelling Elders are good men, the good Spirit is in the Work and the faithful feel well, but a little over-anxious about emigration, and are liable, unless they are careful and attend to the counsels of the Priesthood placed over them, to neglect other important duties to accomplish this end.

The reward is only promised to the faithful who endure to the end.

We are now busy arranging for the Saints who are about to emigrate. I am advising them to attend to your counsels given in the *Star*, to dispose of their wooden boxes and keep their chests well filled with a good, honest heart, and pack up with it a good supply of patience and the Spirit of the Lord to preserve them along the way from getting into trouble. I can recommend the above to all the inexperienced as a necessary outfit for the journey. I have travelled the road myself, and found the articles named to be very useful on many occasions, and as I am numbered among those who are privileged to return to Utah this season, I am laying

away a good stock for myself and I believe many of the brethren and sisters are following my example. Many of the Saints want to go in the same ship with brother Stuart, in order that he may assist them. Now, this is right, and I am willing to assist all I can,—but I would like the Saints to learn to help themselves and go with a determination to help each other in every way that they can and as circumstances may demand, then God will help and bless all of us all the way to Zion.

I am well and feeling well and on hand for anything you require me to do.

Give my kind regards to all inquiring friends, and believe me, as ever, truly your brother in the Gospel covenant,

DAVID M. STUART.

SUMMARY OF NEWS.

AMERICA.—General Hooker's artillery commenced recrossing the Rappahannock on the night of the 5th instant, it being very dark, and completed crossing by three o'clock on the following morning. The infantry then crossed, their rear being well covered. The crossing was entirely completed by daylight. The rear guard had some severe fighting in getting over. Hooker's artillery and ammunition train were brought across the Rappahannock without loss. The Federal dead in the Sunday's battle were left unburied and the wounded without attention. President Lincoln and General Halleck visited Hooker's army on Thursday morning. General Sedgwick's command lost 5,000 men. Stoneman's Federal cavalry approached within two miles of Richmond, causing considerable excitement in that city. General Stoneman is reported to have returned safely to the Rappahannock. General Lee's despatch to President Davis says that General Jackson penetrated the enemy's rear, driving him from all positions to within a mile of Chancellorsville. General Lee further says that many prisoners were captured, and states, in conclusion, that the enemy's loss in killed and wounded was large. He adds,—“We have to thank God for a great victory. Paxton was killed and General ‘Stonewall’ Jackson severely wounded.” The Confederates are still operating in Western Virginia and threatening Charlestown. Active operations are taking place in New York for an early conscription. It is reported that the Republican party will now urge the bestowal of an important command on Fremont. The Mozart Hall Democracy has passed resolutions demanding the discontinuance of the war, and denouncing Vallandigham's arrest. The resolutions also state that the conduct of foreign affairs by the Administration had placed the country in a position where even England dares to bully her. While deprecating civil war, the Democracy demands that the Administration shall no longer submit to insults from England, and pledges every man and every dollar to resist that insult. The rebels admit a loss of 18,000 men in the late battles. It is rumored that General Heintzelman will supersede General Hooker. The Democratic journals urge General McClellan's appointment to the command-in-chief. The *New York Herald* urges the appointment of General Sickles to the command of the army of the Potomac in place of General Hooker. The second attack of General Sherman's expedition of Haines' Bluff was repulsed with a loss of 80 killed and wounded. The expedition had left for Young's Point. Military were sent from Cincinnati and Columbus to quell the riot at Dayton consequent

upon Mr. Vallandigham's arrest. Telegraphic communication with Dayton was interrupted. The Federal Government intends to commence the enforcement of the Conscription Act at once. The list of Provost-Marshals appointed at present for different districts is published. The correspondent of the London *Daily News* writes:—"There is no man who has the smallest knowledge of public and private feeling in this country who does not know that the alliance of England with the South is the one thing wanting to unite the whole North as one man in the wildest and fiercest crusade the world ever saw. There is a very large minority now who are opposed to the war altogether; there are very many more whose approval of it is but languid; but if the Southerners were once taken under British protection, we should see every able-bodied man under arms, and the last sparks of scruple and of tenderness trodden out, and the whole contest enter on a phase that would be shocking to humanity, and that, on this Continent at least, would threaten civilization itself." "Manhattan" admits that the Federal loss in the recent battles is 20,000 killed and wounded. He says it comes home to men's minds that a separation between the South and North is possible. They do not know what to do next. The Richmond papers of the 11th instant announce the death of General Stonewall Jackson, from the effects of amputation and pneumonia. Twelve hundred wounded, who were left on the Southern side of the Rappahannock, have been sent across. Some of the Federal wounded were burnt in the woods around Chancellorsville, the woods having been fired by the shells of both armies. General Grant is reported to have invested Jackson, Mississippi, and the Confederates have no means of getting out of Vicksburg except by cutting their way through the Federal troops. The Southern journals, however, contain a despatch, dated Jackson, the 5th inst., saying that the Federals were repulsed on the 4th upon Big Black River, after four hours' severe fighting. General Bragg officially reports that General Forrest has captured Colonel Straight's Federal Cavalry, numbering 1,600, at Rome, Georgia. Col. Straight was making a destructive raid through Alabama and Georgia. General Grant officially reports, that he met the enemy, 11,000 strong, four miles south of Port Gibson, on the 1st instant, and engaged him all day, entirely routing him with a loss of many killed and 500 prisoners. The Federal loss was 100 killed and 500 wounded. The Federals, under Generals Keyes and Pick, estimated at 12,000 strong, have occupied West Point, on York River, and destroyed the bridges in the neighborhood of White House. It is reported that General Halleck will take the field in person, and superintend General Hooker's operations in the approaching campaign.

PRUSSIA.—The conflict between the King and the Chamber has been brought to a crisis by the Royal Message; and as it is pretty certain that the message will not have any effect on the Parliament, the *Times* would not be surprised if the King venture on some glaringly unconstitutional act which may form an important era in Prussian history.

RUSSIA.—The action of the Russian authorities in Poland does not favor the idea that they have to deal with a dispirited and diminished enemy. Finding that they cannot conquer the rebellion in fair and open fight, they are now vigorously preaching a religious war. A letter of the 15th inst. from Breslau says:—"Pamphlets are distributed among the soldiery, placing the Poles upon a level with Arians and other heretics, and commanding the gallant sons of the only Christian church that deserves the name to die for the maintenance of their glorious faith. With the permission of plunder on the one hand, and the call to a holy crusade on the other, what a wonderful figure Russia cuts in the eyes of the civilized world! Only the other day, in the hearing of the public assembled on the platform, a regiment, about to depart for the seat of war, was exhorted by a General to use every means to destroy the irreligious vermin. "Remember," the tolerant Christian proceeded, "you are going to fight the mutineers for Czar and faith. I hope you will not spare your blood in such a holy object. This is the last time you will have to fight them, and, to bring the matter to a speedier close, you are at perfect liberty to kill, burn and destroy, in whatever way you please, those infamous mutineers."